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QUESTION OF EAST TIMOR

Letter dated 10 July 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement on East Timor made by the spokesman of the Ministry of Foreign Affairs of Portugal at Lisbon, on 26 May 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 103 of the preliminary list.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative
to the United Nations

* A/47/50.

ANNEX

Statement made by the spokesman of the Ministry of Foreign Affairs of Portugal at Lisbon, on 26 May 1992, concerning the trials and sentencing of East Timorese in Jakarta and Dili

1. As it has been widely reported, the Indonesian authorities have continued to bring to trial and to sentence several East Timorese arrested in Indonesia and in East Timor in the aftermath of the Dili massacre of civilians by Indonesian military, on 12 November 1991.

2. Gregorio da Cunha Saldanha and Francisco Miranda Branco, charged with "subversion" in Dili for organizing the demonstration at the Santa Cruz cemetery, which was repressed with the brutality and cruelty that horrified the world, are subject to a life sentence and to a 15-year prison term, respectively, as called for by State prosecutors. João Freitas Camara has just been sentenced to a 10-year prison term and Fernando Araujo to eight years in jail. Both of them, residents in Indonesia, were accused of having organized the demonstration, held at Jakarta on 18 November 1991, protesting against the Dili massacre, and also for being members of the East Timorese student organization RENETIL. The prosecutors have called also for an eight-year prison sentence to Juvencio Martins and a 10-year sentence to Jacinto Raimundo Alves, charged for helping to organize anti-Indonesian demonstrations and for publicly expressing hostile feelings towards the Government of Indonesia. Virgilio da Silva Guterres and Domingos Barreto already had two-and-a-half years and six-months prison sentences imposed on them, respectively, on the same grounds. Other trials are under way of East Timorese involved in those events.

3. None of them has been indicted for violent activities, but solely for peaceful political action or for the exercise of rights and freedoms enshrined in the Universal Declaration of Human Rights, aimed at upholding the human rights in East Timor and the right to self-determination universally recognized by its people.

4. This is a clear demonstration that Indonesia persists in blatantly disregarding the provisions of the consensus agreed upon by the United Nations Commission on Human Rights, on 4 March 1992, to which Indonesia subscribed, and which called for the release without delay of all the East Timorese arrested on the occasion not involved in violent activities.

5. The ongoing trials, on the other hand, do not meet the minimum standards of fairness and impartiality regarded as universal and called for also by the Commission on Human Rights. The judges do not conceal their partiality; the defending lawyers are denied free access to the accused (they were even barred from attending the initial interrogations of their clients); most of the witnesses render their testimonies in advance under police interrogation and do not turn up before the court, which draws its conclusions from their written records; the laws are iniquitous (namely, the notorious Subversion Law

whose repeal was requested by the Special Rapporteur on Torture of the Commission on Human Rights in his recommendations, endorsed by that Commission in the above-mentioned consensus accepted by Indonesia); human rights organizations were prevented from attending the trials. All these factors deny the latter any credibility, used in fact as mere instruments for political oppression in a country whose leaders publicly recognize that the courts cannot be regarded as independent from the executive.

6. Portugal has consistently denounced the iniquity of these proceedings, instituted against those who are opposed by peaceful means to the illegal occupation of East Timor by Indonesia. It should be recalled in particular that the Indonesian courts are deprived of any legitimate jurisdiction in East Timor, since the United Nations and the international community, as a whole, do not recognize the legality of its occupation by the Republic of Indonesia.

7. This swift and brutal dealing with those who sided with the victims of the Santa Cruz massacre strikes an impressive contrast with the slowness and leniency with which the Indonesian authorities have carried out the measures that they have engaged themselves to take against its authors. This is so in spite of all the promises Indonesia timely made to diffuse international criticism and, once more, of what it was called upon to do by the United Nations Commission on Human Rights. In fact practically nothing was until now disclosed on the disciplinary and investigative action to be undertaken against the military held responsible for the carnage, or on the trials to which some of them are supposed to be brought. Even their identities are still unknown.

8. The Indonesian Government thus shows its utmost contempt for the international community, and also that it has subscribed with bad faith to the consensus announced by the Chairman of the Commission on Human Rights, on 4 March, as it never had any real intention of complying with its provisions. Indonesia has been carrying out lately an increasingly harsher and more intimidating policy towards the people of East Timor. Moreover, it has practically reverted to the "close off" policy imposed in the past, for many years, on the territory. All this still stands in flagrant contradiction with the recommendations of the Commission on Human Rights.

Indonesia's behaviour demonstrates once more, if need be, that a real settlement of the question of East Timor and the effective respect for the basic human rights of its people will not be possible without the exercise of their right to self-determination, in conformity with the relevant resolutions of the General Assembly and the Security Council of the United Nations.

9. The international community has to reject strongly these sentences and to demand the immediate release of the accused, who are guilty after all of having striven, by peaceful means, to see that what is called for in those resolutions be observed in East Timor.